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REPLY TO: ☐ ORANGE CO.  
☐ ROCKLAND CO.

JOSEPH P. MCGLINN (1941-2000)

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March 27, 2008

Respond to Post Office Box

Hon. Mark D. Fox  
United States Magistrate Judge  
300 Quarropas Street  
White Plains, New York 10601

**DELIVERED BY HAND  
AND MAIL**

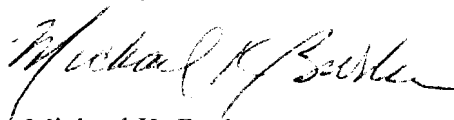
**Re: Borough of Upper Saddle River, et al v. RCSD #1**

Dear Magistrate Judge Fox,

I am writing to request an extension of time to file our amended complaint in the above referenced action beyond the March 31, 2008 date that the District Court had previously set. This request is based on recent correspondence received from the New York State Department of Environmental Conservation ("NYSDEC") regarding a claimed deficiency in our notice of intent to sue which had been originally served on the NYSDEC on January 18, 2008. The NYSDEC has indicated that our notice, which was served of the director on the Department of Water of the NYSDEC was not served on the NYSDEC Commissioner as it should have been. Although we believe our service of the notice of intent to sue satisfied the requirements under the law we wish to have the opportunity to re-serve our notice of intent to sue on the Commissioner and restart the 60-day period that is required under the Clean Water Act so as to obviate the hyper-technical argument that proper service was not effected.

We have contacted counsel for the Rockland County Sewer District to seek his consent with respect to this request but have not received his response to date. This is our first request for an extension of the Court's schedule.

Very truly yours,

  
Michael K. Burke

MKB:vc

c: Lawrence R. Liebesman, Esq.

**Delivered via e-mail and Mail.**  
**lawrence.liebesman@hklaw.com**

3/28/08

APPLICATION GRANTED  
SO ORDERED

MARK D. FOX  
United States Magistrate Judge  
Southern District of New York